

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-661

October 2, 2003

CENTRAL MAINE POWER COMPANY
Request for Approval of Affiliated Interest
Transaction with MaineCom Services for
Pole Attachments in the Telecommunications
Space

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY

In this Order, we approve an affiliated interest transaction between Central Maine Power Company (CMP) and MaineCom Services (MaineCom) for MaineCom to use space reserved for telecommunications equipment on distribution poles owned wholly by CMP or jointly by CMP and Verizon.

II. DISCUSSION AND DECISION

On September 5, 2003, CMP requested approval of an affiliated interest transaction between it and MaineCom so that MaineCom can attach its telecommunications lines on poles owned by CMP or CMP and Verizon. MaineCom is an affiliate of CMP and Competitive Local Exchange Carriers (CLEC). CMP states that the agreement under which pole space will be provided is the same agreement CMP and Verizon use for all CLEC's requesting pole space and is consistent with Chapter 880 of the Commission's rules. This version of the agreement has been in effect since January 1, 2003.

Title 35-A M.R.S.A. 707(3) prohibits a utility from entering into a contract with an affiliated interest unless the Commission finds that the contract or arrangement is not adverse to the public interest. We make this finding here because CMP is treating MaineCom as it does all other CLEC's with regard to both the terms and pricing of the agreements. Therefore, we approve the arrangement and agreements as described in CMP's September 5 filing.

Dated at Augusta, Maine, this 2nd day of October, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.